

REMARKS

Claims 1 through 17 are pending in the instant application. A Preliminary Amendment was filed on August 2, 2002 in the instant application in which the claims were amended prior to substantive examination. It is unclear from the above-referenced Office Action whether the Examiner's analysis is based on the claims as filed or the claims as amended. For the purposes of this response, it is assumed that the Examiner's arguments are based on the claims as amended. Applicant reserves the right to withdraw or amend the arguments made herein in the event the Examiner's arguments are not based on the amended claims.

The Examiner objected to the specification under 37 C.F.R. 1.17 and rejected claims 1-11 under 35 U.S.C. §112, first paragraph, as failing to provide an enabling disclosure because the specification does not make mention of "business logic". Applicant has amended the claims to remove the term "business logic". Having rendered the Examiner's objection of the specification and rejection of claims 1-11 moot, applicant respectfully request that the Examiner withdraw his objection and rejection of the claims.

The Examiner rejected claims 1-8, 10, and 11 under 35 U.S.C. §102(b) as being anticipated by Ludwig et al. Applicant notes that the Examiner failed to provide any basis for this rejection. Furthermore, Ludwig does not teach or suggest an inventory status and information system, as recited in the preamble of Applicants Claim 1. Similarly, Ludwig does not teach or suggest a database for storing on-hand, reserved, and ordered inventory information, as recited in the first element of Claim 1. Still further, Ludwig does not teach or suggest the use of a server to provide real-time access to system accessible data, as recited in the third element of Claim 1. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984). Ludwig clearly fails to teach or suggest structure positively recited and claimed in Claim 1. Thus, Applicant's Claim 1 is patentable over Ludwig for at least the reasons set forth above, and Applicant respectfully requests that the Examiner withdraw his rejection of Claim 1.

Claims 2-8, 10, and 11 depend from Claim 1. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co.,

819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant therefore asserts that Claims 2-8, 10, and 11 are patentable for at least the reasons set forth above with respect to Claim 1, and respectfully requests that the Examiner find the claims patentable over Ludwig.

The Examiner rejected Claims 1-11 under 35 U.S.C. §102(e) as being clearly anticipated by Gershman et al. Applicant notes that the Examiner failed to state a basis for this rejection. Gershman does not teach or suggest a database for storing on-hand, reserved, and ordered inventory information, as recited in the first element of Claim 1. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984). Ludwig clearly fails to teach or suggest structure positively recited and claimed in Claim 1. Thus, Applicant's Claim 1 is patentable over Gershman for at least the reasons set forth above, and Applicant respectfully requests that the Examiner withdraw his rejection of Claim 1.

Claims 2-11 depend from Claim 1. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant therefore asserts that Claims 2-11 are patentable for at least the reasons set forth above with respect to Claim 1, and respectfully requests that the Examiner find the claims patentable over Gershman.

The Examiner rejected Claims 12-17 under 35 U.S.C. §102(b) as being clearly anticipated by Cameron et al. Applicant notes that the Examiner failed to state a basis for this rejection. Cameron does not teach or suggest recording orders and order properties, including quantities ordered, date ordered, anticipated delivery time, and anticipated delivery date, as recited in the first element of Claim 12. Cameron also does not teach or suggest recording any new or returned inventory arrivals and incrementing corresponding on-hand inventory entries, as recited in the second element of Claim 12. Similarly, Cameron does not teach or suggest calculating inventory quantities available for delivery as a difference between quantity on-hand and quantity on reserve, as recited in the fourth element of Claim 12. Still further, Cameron does not teach or suggest decrementing both reserve and inventory totals upon shipment, as recited in the fifth element of Claim 12. Cameron also does not teach or suggest providing user-

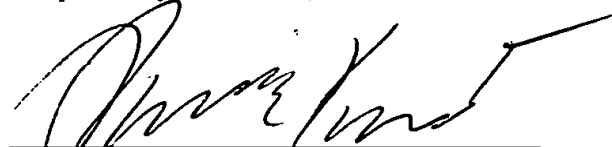
appropriate inventory information when requested, as recited in the sixth element of Claim 12. The Court of Appeals for the Federal Circuit has consistently held that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, 221 USPQ 481, 485 (Fed. Cir. 1984). Cameron clearly fails to teach or suggest structure positively recited and claimed in Claim 12. Thus, Applicant's Claim 12 is patentable over Cameron for at least the reasons set forth above, and Applicant respectfully requests that the Examiner withdraw his rejection of Claim 12.

Claims 13-17 depend from Claim 12. The Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Applicant therefore asserts that Claims 13-17 are patentable for at least the reasons set forth above with respect to Claim 12, and respectfully requests that the Examiner find the claims patentable over Cameron.

CONCLUSION

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that claims 1-17 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,



Richard E. Kurtz (Reg. No. 33,936)
Agent for Applicant

GREENBERG TRAURIG
1750 Tyson's Boulevard
Suite 1200
McLean, VA 22102
(703) 749-1330
E-mail: kurtzr@gtlaw.com

Filed: January 29, 2004